

Remarks

Claims 1-17, 19, 20, 23-27, 29 and 31 are pending in this application. By this paper, Applicant has amended claim 5; and Applicant has canceled claims 12, 16-17, 19, 20, 23-27 and 31.

Reissue Applications

Applicants are not aware of any prior or concurrent proceedings in which Patent No. 6,010,174 is or was involved, other than this Reissue Application No. 10/037,280. These proceedings would include interferences, reissues, reexaminations, and litigation. Applicants acknowledge and appreciate the Examiner's reminders of this continuing obligation and that set forth in 37 C.F.R. § 1.56 to timely apprise the Office of any information which is material patentability of the claims under consideration in this reissue application.

Recapture

The Examiner has rejected claims 5-11, 13-17, 19-20, 23-27 and 31 under 35 U.S.C. § 251 as being an improper recapture of broadened claimed subject matter surrendered in the application for the patent upon which the present reissue is based.

By this paper, Applicant has amended claim 5 to incorporate all of the limitations of claim 12. No new issues are raised by this amendment. The Examiner indicated that claim 12 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Since claim 5 is amended to include all the limitations of claim 12, recapture does not apply to claim 5 as amended, and claim 5 is allowable as being rewritten as suggested by the Examiner with respect to claim 12.

Claims 6-11 and 13-15 depend from claim 5 and therefore are not subject to recapture for at least the reasons stated above with reference to claim 5.

Claims 16-17, 19-20, 23-27 and 31 are canceled by this paper.

Claim Rejections - 35 U.S.C. § 102

The Examiner has rejected claims 5-7, 13-16, 19, 23-24 and 26-27 under 35 U.S.C. § 102(b) as being anticipated by Clark.

By this paper, Applicant has amended claim 5 to incorporate the subject matter of claim 12. No new issues are raised by this amendment. The Examiner objected to claim 12 as being dependent upon a rejected base claim, but would allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 5 has been written as suggested with respect to claim 12, and therefore claim 5 is allowable.

Claims 6-7 and 13-15 depend from claim 5 and therefore are allowable for at least the reasons stated above with reference to claim 5.

Claims 16, 19, 23-24 and 26-27 are canceled by this paper.

Allowable Subject Matter


Applicant appreciates the Examiner's indication that claims 1-4 and 29 are allowed. Applicant also appreciates the Examiner's indication that claim 12 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, claim 5 has been amended to include all of the limitations of claim 12 and any intervening claims. Therefore claim 5 is allowable as suggested by the Examiner.

Conclusion

In view of the foregoing, Applicant respectfully asserts that the application is in condition for allowance, which allowance is hereby requested.

Respectfully submitted,

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